

#4

PTO/SB/61 (7-99)
 Approved for use through 09/30/2000. OMB 0651-0031
 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
 UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
 L37-048

First named inventor: LO, Henry Tien

Group Art Unit: not assigned

Application Number: 09/688,277

Examiner:

Filed: October 12, 2000

Title: CARD GAME

FAX RECEIVED

AUG 29 2002

PETITIONS OFFICE

Attention: Office of Petitions
 Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☒ small entity - fee \$ 55.00 (37 CFR 1.17(l)).
- ☐ small entity statement enclosed herewith.
- ☐ small entity statement previously filed.
- ☐ other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of payment of \$10.00 surcharge and \$65.00 surcharge (identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☒ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

09/08/27
 050845
 0000020
 01 FC:2051
 02 FC:2452
 03 FC:2001

PTO/SB/61 (7-99)

Approved for use through 08/30/2000. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

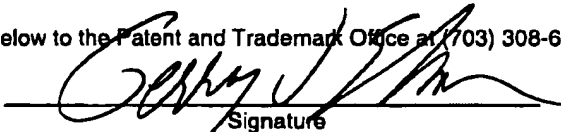
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

SN '09/688277

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.AUGUST 29, 2002
Date
SignatureTelephone
Number: (610) 892-9580Gerry J. Elman
Typed or printed nameP.O. Box 1969
AddressMedia, PA 19063Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Small Entity Status Form☒ Additional sheets containing statements establishing unavoidable delay - 2 sheets
+ Exhibit A☐ _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**I hereby certify that this correspondence is being: totalling seven sheets + fax cover sheet☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.☒ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.08/29/02
Date
SignatureGerry J. Elman

Typed or printed name of persons signing certificate

FAX RECEIVED

AUG 29 2002

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PTO/SS/61 (10-00)
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

SN 09/688277

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

8-28-2002
Date

Henry Tien Lo
Signature

HENRY TIEN LO

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Verified Statement of Henry Tien Lo

Being warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), I hereby declare as follows:

1. I am Henry Tien Lo, applicant in the case identified above. My address is 5010 Indian River Drive, #32, Las Vegas, NV 89103. I am the proprietor of Five Star Gaming. My sole business is to invent new and interesting casino games, seeking to license them to casinos and gaming houses.
2. I have obtained two U.S. patents on casino games I have invented, namely patents 5,863,042 and 6,402,147, and have several patent applications currently pending.
3. Certain of my games have been approved for casino licensing by the Nevada Gaming Board, and have been installed in certain casinos for testing. However, I have not yet received any revenue from licensing any of my games.
4. I am a U.S. citizen. However, I grew up in Vietnam speaking Vietnamese and Chinese. English is not my first language.
5. In preparing and prosecuting my two patents and several of my pending applications, I have had the benefit of the services of a registered patent attorney, Gerry Elman. I have learned much from him about the process of getting a patent. However, at the time I made the invention represented by the above-identified patent application, I had entirely depleted my funds available for such services. Therefore I wrote and filed the present application entirely on my own, without any assistance or consultation from any patent attorney. It was based on my previous experience with the process of filing and obtaining a patent.

[Page 3 of 3]

CONTINUED ON ADDITIONAL SHEETS 1 & 2

Verified Statement of Henry Tien Lo - additional sheet 1

SN 09/688277

6. On October 12, 2000, I sent by Express Mail what I believed to be a complete U.S. patent application with all papers and a filing fee of \$345.00 enclosed. I enclosed a postal card itemizing what I had sent. A true copy of the postal card (as returned to me with the serial number) is attached as Exhibit A.
7. I calculated the filing fee based on the fee schedule which I had last used in a previous filing. I was not aware that the filing fee had changed on October 1, 2000 to \$355.00.
8. When I recently became curious as to why I had not received an Examiner's Action in this case, I asked my patent attorney, Gerry Elman, to investigate. His investigation revealed that the case had become abandoned because the amount of the filing fee I had sent was insufficient by \$10.00, and I did not respond to a Notice of Missing Parts requesting an additional fee.
9. I never received any notification that the filing fee I sent in was insufficient.
10. The check for what I believed was the complete filing fee that I had sent in with the application cleared my bank account.
11. I fully and honestly recall that I did not receive any "Notice of Missing Parts" for this case. I am sure that I did not receive a "Notice of Missing Parts" in this case because I carefully check my mail and place all notices from the US Patent and Trademark Office in a folder that I keep for this purpose. I have recently reviewed again all papers in that folder and did not find a Notice of Missing Parts for this case.
12. The address stated on my patent application is my correct mailing address. I have not changed my mailing address since the time I filed the application identified above. I am not aware of any interruption or difficulty in receiving mail addressed to me.
13. I understand that it usually takes many months before an Office Action from the Patent Examiner is sent to the applicant. I thought that the postal card I had received back with the serial number sticker on it (Exhibit A) meant that everything was okay. So I did not believe that anything might have gone wrong with this application, until I became suspicious at the beginning of July this year.
14. On July 2, 2002, I engaged Gerry Elman to investigate what had happened in this case. He obtained from me a Power of Attorney document so that he could communicate with the PTO and obtain otherwise-secret information about its status. He reported that on July 15, 2002, his paralegal spoke with Ms. McDowell at the PTO and was told that she would pull the case and call his office back. He reported to me that he received a call from Ms. McDowell on August 12, 2002, who explained the reason for the abandonment, as stated above. On that date I did not have further funds to pay any government or counsel fees, but on August 26, I was able to borrow barely enough money to pay the government fee for an "unavoidably abandoned" petition and to engage Mr. Elman to prepare the petition. This petition is being filed shortly thereafter.
15. I sincerely believe that, because I was relying on my own understanding of the fees and procedures of the US PTO, and because I am just a card game inventor (for whom English is a second language) and not a patent attorney, there was no way that I could have avoided having this case go abandoned. The Missing Parts notice which the PTO apparently mailed out just never got to me. I didn't know to do anything different

Lo 8-28-2002

Verified Statement of Henry Tien Lo - additional sheet 2

SN 09/688277

from what I did in filing the applicati n with the fee that I believed was complete and correct. So I pray that this petition be accepted and that the application be reinstated to active status and sent for examination.

16. My signature for this statement appears above on the petition form.

Lo 8-28-2002

EXHIBIT

A CARD GAME CALLED

"7 CARD THRILL". offering 2 bets : PAIR OF ACES 0
BETTER BET & POKER BET.

Express Mail No. EF050243535 US

Date mailed : October 12, 2000

In re. Continuing U.S. Patent Application of HENRY TIEN LO

By applying a date-stamp and returning this self-addressed
Postage-prepaid, the U.S. PTO acknowledges receipt of the following:

1. a check no. 848 for \$345.00 for the application fee;
2. Form PTO/SB/05 comprising 1 sheet;
3. Form PTO/SB/17 comprising 1 sheet and 1 copy thereof;
4. Form PTO/SB/01 comprising 1 sheet;
5. Form PTO/SB/09 comprising 1 sheet;
6. a bibliographic data sheet
7. an application comprising 10 pages of specification & 2
sheets of drawings (total 13 pages)
8. this postcard.

 U.S. PTO
09/688277

10/12/00

Thank you.

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AUG 29 2002

PETITIONS OFFICE

EXHIBIT A

TO PETITION TO REVIVE

8/29/2002

S/N 09/688277

PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$130.00

Complete if Known

FAX RECEIVED

Application Number 09/688,277

Filing Date October 12, 2000

AUG 29 2002

First Named Inventor LO

Examiner Name Not assigned

PETITIONS OFFICE

Group Art Unit Not assigned

Attorney Docket No. L37-048

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

05-0845

Deposit Account Name

Elman & Associates

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

\$0.00

2. EXTRA CLAIM FEES FOR UTILITY AND

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** = 0	X	0.00
Independent Claims	-3** = 0	X	0.00
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

\$0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non - English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	55.00
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \$10.00 arrearage patent filing fee

10.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$130.00

SUBMITTED BY

Name (Print/Type)

Gerry J. Elman

Registration No.
(Attorney/Agent)

24,404

Complete (if applicable)

Telephone

610-892-9580-

Signature

Date

8/29/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

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**ELMAN &
ASSOCIATES**
A PROFESSIONAL CORPORATION

INTELLECTUAL PROPERTY & INTERNET BUSINESS LAW
20 WEST THIRD STREET (610) 892-9580
P.O. BOX 1969
MEDIA, PA 19063-8969 U.S.A. FAX (610) 892-9577
EMAIL info@elman.com WEB www.elman.com

FAX COVER SHEET

Our fax telephone number is (610) 892-9577

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AUG 29 2002

To

Office of Petitions

PETITIONS OFFICE

Company

US PTO

Dept.

Domestic Fax No. Area Code

(703)

308

6916

Int'l Fax No. 011 -

Country Code

City Code

Phone No.

From

GERRY ELMAN

Client

20

File No.

237-048

Message:

FOR FORMAL ENTRY

RE: S/N 09/688277

There are 8 pages in this transmission, including this page. If there are any problems, please phone (610) 892-9580.

- ☒ If this box is checked, please acknowledge receipt by return fax.
☐ If this box is checked, confirmation copy is being sent by mail.

Sent by

CIV

on

AUG 29

2002 at

2:20 P.M.

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Thank y u.

— ELMAN & ASSOCIATES